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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,652	12/05/2003	Judith Kelleher-Andersson	109015-032	8455

7590 03/08/2007  
BELL, BOYD & LLOYD LLC  
P.O. Box 1135  
Chicago, IL 60690-1135

EXAMINER
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GEMBEH, SHIRLEY V

ART UNIT	PAPER NUMBER
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1614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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*Shirley V. Gembek*

ART UNIT	PAPER
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*1614*

20070226

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Newly submitted claims 14 and 20-33 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims read on assaying for an agent whereas the previous claimed steps were directed to treatment. The original election was to an imidazole compound of formula I, which is distinct from the newly submitted claims. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14 and 20-33 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Applicant is given a time period of ONE MONTH or THIRTY DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid Abandonment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley V. Gembek whose telephone number is 571-272-8504. The examiner can normally be reached on 8:30 -5:00, Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SVG

3/3/07

*Ardin H. Marschel 3/5/07***ARDIN H. MARSCHEL  
SUPERVISORY PATENT EXAMINER**